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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,741	07/30/2004	Henry TSUEI	0496046359	4740

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EXAMINER

LE, THIEN MINH

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/710,741	Applicant(s) TSUEI ET AL. let	
	Examiner Thien M. Le	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 36-49 is/are rejected.
- 7) ☒ Claim(s) 29-35 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-28 and 36-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Cook et al. (Cook et al. – 6,675,153; herein after referred to as Cook).

Regarding claims 1, 17, 28, 36-38, 41, Cook discloses a “method and apparatus for authorizing a transaction between a consumer and a merchant over a network where the anonymity of the consumer with respect to the merchant is maintained while still validating the authenticity of the consumer prior to completing the transaction” (see the abstract). The system includes a central processing/database (figure 1; Zixcharge secure data center 102 – also see descriptions in the specification) for maintaining true name, true address, true account number, and alias name, alias address, and alias account number (see the descriptions of figure 1). According to Cook, aliases such as alias address, alias account, and alias name can be used for conducting transaction without revealing real personal information on the Internet, Websites, and/or even merchants for security and privacy purposes. The Zixcharge system is trusted with matching aliases with real information, sending request to card issuer for credit card transaction approval, providing the true customer’s address for delivery purposes, etc. (see figures 1-5 and their descriptions; also see claims 3,5-8,35-36, 45-47 and 53-55). In additional, Cook also discloses the system and method for: (i) sending and receiving confirmed authorizations in responsive to requests (see centralized approval services - cols. 9-10; payment system processed – cols. 10-12; member authorization for payments – cols. 15-16); (ii) the formatted responses are considered included in the steps of presenting the response to the merchant, the customer, the central server in forms of charge slip, encrypted, secured formats; (iii) the communication links (see figures 1 and 3 and their descriptions). As can be seen, Cook discloses the claimed invention.

Regarding claims 2, 18, 42, see the discussions regarding claim 1. Further, Cook discloses the use of his system for Internet merchant (see background of the invention), Internet e-commerce (see background of the invention), vendors (see descriptions of figures 4-5), etc., that would embrace all limitations set forth in this claim.

Regarding claims 3-4, 19, and 43-44 see the discussions regarding claims 1-2. Further, the Zixcharge system is connected to transmit and receive request from financial institutions such as credit card issuers 112 as shown in figures 1 and 3 (also see descriptions of figures 1 and 3; the summary of the invention); and thus would embrace all limitations set forth in these claims.

Regarding claims 5 and 45, see the discussions regarding claim 1.

Regarding claims 6 and 46, in the descriptions of figures 4-5, Cook describes the use of ID code which would certainly embrace the use of an alphanumeric code.

Regarding claim 7, see the discussions of claim 1. Also see the communication links as shown in figures 1, 3 of Cook and their descriptions.

Regarding claims 8, 20, 40, and 47-48, the Internet is considered as a pre-existing public communication system.

Regarding claims 9 and 21-22, see the discussions above regarding claims 1 and 8.

Regarding claims 10, 23 and 49, Cook discloses the use of encryption using private key, public key, session key, etc., which effectively creates a virtual private network utilizing a pre-existing public communication network such as the Internet.

Regarding claim 11, Cooks discloses a Zixcharge Secure Data Center 102 which is considered by the examiner to cover both the teachings of a single server or a multi-tiered system, depending on the computing power needed for the Secure Data Center 102.

Regarding claim 12, Cooks discloses the use databases in figure 4 which would embrace the use of a look-up table and thus would meet all limitations set forth in this claim.

Regarding claims 14 and 26, see the discussions regarding claim 1.

Regarding claims 15-16, 27, 39, see "Member Authorization for Payments", and "Centralized Approval Services", financial reports in the specification, and the financial summary database as shown in figure 4. These information provide financial profiles of customers, registered members, registered merchants, etc.

Allowable Subject Matter

Claims 29-35 dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art discloses the system and method for protecting customer's personal information while conducting transactions with merchants, vendors, and others. However, the prior art fails to disclose such a system further comprising the

specifics of: (i) database relationships between the first and second credit card accounts as claims 29-35;.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien M. Le whose telephone number is (571) 272-2396. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'Le, Thien Minh', with a long horizontal stroke extending to the left.

Le, Thien Minh
Primary Examiner
Art Unit 2876
June 22, 2006